

Note is taken of the withdrawal in the Advisory Action of the rejection of claims 1, 3 and 35 under the judicially created doctrine of obviousness-type double patenting.

Note is further taken of the statements in the Advisory Action regarding a perceived absence of a distinction between a primary drive force and a brake operating force. In this connection, the Applicant wishes to clarify language used in the Request for Reconsideration (Request) filed October 24, 2002. The term "brake operating force" at line 18, page 2 of the Request should read --the fluid pressure in the brake cylinder--, since the term "brake operating force" is used in claim 1 to mean a force acting on the brake operating member (brake pedal 10), rather than the braking force produced by the brake cylinder.

Moreover, lines 23-24 of page 2 of the Request refers to a "primary drive force ... to be distinguished for the brake operating force". For better understanding, this language should have appeared in the remarks concerning the § 102 rejection based on Lohberg as discussed in more detail below, rather than in the remarks addressed to the § 112 rejection. In view of these explanations, the Applicant respectfully submits that remarks in the Request overcome the § 112 rejection, and that this rejection should be withdrawn.

In the remarks addressed to the § 102 rejection, the Request discusses a distinction between a primary drive force and a brake operating force for purposes of clarifying a difference between arrangements disclosed in Lohberg, and the invention recited in claim 1 of the present application. More specifically, the Request discusses a difference between a reduction of the fluid pressure in the brake cylinder without reducing the primary drive force, according to claim 1, and the reduction of the fluid pressure in the brake cylinder which requires a reduction in the primary drive force, as necessitated by the structure disclosed in Lohberg. This difference between the claimed invention and Lohberg's structure was discussed in detail with reference to Figs. A-E in the Request.

To the extent the perceived absence of a distinction between a primary drive force and a brake operating force referred to in the Advisory Action was occasioned by the discussion of Lohberg with reference to Figs. A-E, the following remarks are offered as further explanation. Figs. A and B, as shown in the Request, are again referenced.

In the case of Fig. B, the primary drive force f_{pr} is reduced by an amount corresponding to the counteracting force f_c (2kg) generated by the counteracting motor 4. Since the primary drive force f_{pr} is reduced to 6kg, the assisting drive force f_a generated by the control element 3 must be controlled to be 6kg in the normal braking operation, so that the braking force f_b is equal to 12kg. Thus, the assisting drive force f_a and the braking force f_b are also reduced, with a decrease in the primary drive force f_{pr} from 8kg to 6kg, resulting in a loss or wasting of a portion (2kg) of the brake operating force f_{op} (wasting of the operator's effort). Thus, the relationship between the assisting drive force f_a and the brake operating force f_{op} (brake operating condition quantity) cannot be changed (between those of Figs. A and B), without a change in the primary drive force. That is, the fluid pressure in the brake cylinder for a given value (8kg) of the brake operating force cannot be reduced without reducing the primary drive force.

In the arrangement of Lohberg, the fluid pressure in the brake cylinder can be reduced from the value in the case of Fig. A to the value in the case of Fig. B, without reducing the brake operating force (8Kg), but cannot be reduced without reducing the primary drive force (from 8kg to 6kg), as described in detail in the Request for Reconsideration. Thus, the primary drive force is not necessarily equal to a value corresponding to the brake operating force, that is, is different from this value upon reduction of the brake cylinder pressure in Lohberg.

The Applicant trusts that the above remarks clarify any confusion raised by the discussion of Lohberg. In any event, what is clear is that Lohberg cannot meet the specific recitations of claim 1, and that therefore the rejection under § 102 based on Lohberg should be withdrawn.

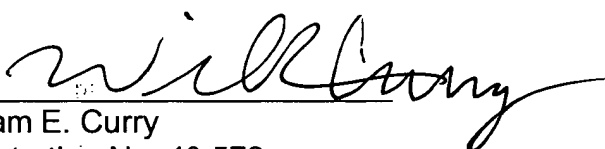
CONCLUSION

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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